

# **CITY OF BURIEN, WASHINGTON**

## **MEMORANDUM**

**DATE:** November 24, 2009

**TO:** Planning Commission

**FROM:** Charles W. “Chip” Davis, Planner

**SUBJECT:** Proposed North Highline Annexation Area Zoning Conversion from King County Zoning Designations to Burien Designations – Public Hearing.

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### **PURPOSE**

The purpose of this agenda item is for the Planning Commission to conduct a public hearing on proposed amendments to the Burien Zoning Code and Zoning Map concerning the conversion from existing King County zoning to City of Burien zoning for the North Highline Annexation Area. The zoning code and map designations must be in effect at the time the annexation area is brought into the City of Burien which is proposed for March 2, 2010. The staff has researched questions raised by the Planning Commission and Public at the November 10<sup>th</sup> meeting and will propose modifications for your consideration.

### **BACKGROUND**

In the August 18, 2009 General Election, 56% of residents in the proposed North Highline Annexation Area voted to join the City of Burien. Since the General Election, staff has been working on issues associated with the transition of the area into the City of Burien. To conform to the Revised Code of Washington (RCW) it will be necessary to prepare zoning regulations to become effective upon the formal annexation of the area into the City of Burien.

Burien Comprehensive Plan Policy AN 1.2 provides policy guidance regarding the determination of zoning for the annexation area:

*If annexation is approved, the City should adopt interim zoning and comprehensive plan land use designations comparable to existing King County designations. A planning process to confirm or change these interim designations should be completed within two years of annexation.*

At the November 10<sup>th</sup> Planning Commission, staff presented a preliminary draft of interim zoning designations for the North Highline which would convert existing King County zoning designations (Attachment 1) to comparable City of Burien zoning designations (Attachment 8) in line with the policy direction of Comprehensive Plan Policy AN 1.2. Planning Commissioners and public present at the meeting raised several issues concerning the King County R-48 Multi-Family Residential and the CB-Special District Overlay designations which have resulted in further refinements to the interim zoning designation. The staff recommendations are summarized on the Recommended Zoning Conversion Chart (Attachment 2) to this staff report.

## **ANALYSIS AND STAFF RECOMMENDATION**

In regard to the King County R-48 Multi-Family Residential designation, staff is recommending the creation of an RM-48 interim zoning designation in the Burien Zoning Code with modified density and development standards which will apply to the North Highline Annexation Area. The proposal has been revised to reflect concerns that application of Burien development standards to the 48 units/acre designation would make achieving even the 48 unit density impossible. A review of the Multi-Family Development Regulations Comparison Chart (Attachment 3) shows that a significant majority of the development standards are the same.

Staff is proposing modifications to the base density, base height, maximum height and maximum impervious surface standards which should facilitate developing properties to the 48 unit/acre density and are more reflective of the current King County zoning designation. A comparison of King County R-48 Maximum Height Increase Standards and City of Burien RM-48 Maximum Height Proposal (Attachment 4) is attached. The proposed 60' base height mirrors a height increase that is already allowed in use in the Multi-Family Residential Zone Use Chart for mixed use developments that meet certain special regulations. The proposed language allowing a height increase in return for increased setback mirrors language already in place in the King County zoning code.

Staff is not able to recommend adoption of the density incentive and transfer of development rights components at the present time. This is primarily because the public benefits to be exchanged for increased density are not currently outlined in policy form in the Burien Comprehensive Plan, none of the public benefit programs used by King County to award density bonuses are currently in place in Burien and Burien does not participate in the King County Transfer of Development Rights program. A King County R-48 Density Incentive Program Summary (Attachment 5) explains the basis for King County's density incentive program. The density increase issue should be revisited as part of the larger community-wide planning update effort which will culminate in 2011.

In regards to the King County CB-Special District Overlay designation, staff is recommending that a special regulation be placed on the Community Commercial Zone Use Chart to allow those uses which are currently allowed as part of the CB-Special District Overlay designation. An overview of the King County CB-Special District Overlay Zone (Attachment 6) is provided for the Planning Commission's information. Staff is proposing to recognize the land uses that are currently permitted by King County to provide incentives for the redevelopment of underutilized commercial lands by permitting a wide range of appropriate uses consistent with maintaining the quality of nearby residential areas. For the interim zoning designation, the continuing uses provisions found in BMC 19.55.025 will govern the continuation or expansion of those commercial/industrial land uses which are currently in place as a result of the CB-Special District Overlay designation.

Staff is not able to recommend adoption of other provisions of the CB-Special Overlay designation relating to waiving of development standards pertaining to parking, landscaping, setbacks, building height limits, street improvements, pedestrian circulation and impervious surface coverage at the present time. This is primarily because the recognition of appropriate uses to be located in the redevelopment is the driving factor for the CB-Special District Overlay designation and writing development standards appropriate for each of the proposed uses would

require significant time and effort that is not possible before the zoning must be adopted. The development standards issue should be revisited as part of the larger community-wide planning update effort which will culminate in 2011.

The attached proposed revisions to BMC 19.01.005.1 – User Guide, BMC 19.15.010 – Multi-Family Residential Zones Use Chart, BMC 19.15.035 – Community Commercial Zones Use Chart (Attachment 7) and North Highline Annexation Area – Applied Burien Zoning Map (Attachment 8) is reflective of the above analysis and conclusions. In line with Comprehensive Plan Policy AN 1.2, staff is recommending the conversion from existing King County zoning designations to comparable City of Burien zoning designations as a reasonable measure which can be implemented to provide a framework for review and approval of development requests in the North Highline Annexation Area by March 2, 2010.

### **PLANNING COMMISSION ACTION**

No action is required however, following your public hearing an agenda item has been scheduled to allow the Planning Commission to make a recommendation to the City Council if so inclined.

At your November 24<sup>th</sup> meeting the Commission may:

- 1) Move to recommend the City Council approve the requests and adopt the staff recommendation as presented.
- 2) Make modifications to the recommendations and direct staff to prepare a Planning Commission recommendation. Staff will then bring back a final version for Planning Commission action at your next meeting.

Staff is suggesting that the Commission pass a motion, in the following format:

**Suggested Motion:** *I move the Planning Commission recommend to the City Council approval of proposed interim zoning designations for the North Highline Annexation Area as outlined in the staff recommendation.*

### **NEXT STEPS**

If necessary, the Planning Commission is scheduled to make a recommendation on the proposed interim zoning designations for the North Highline Annexation Area at your December 8, 2009 meeting.

### **ATTACHMENTS**

- 1) North Highline Annexation Area – Existing King County Zoning
- 2) Recommended North Highline Annexation Area / City of Burien Zoning Conversion Chart
- 3) Multi-Family Residential Development Regulations Comparison Chart
- 4) King County R-48 Maximum Height Increase Standards
- 5) King County R-48 Density incentive Program Summary
- 6) King County CB-Special District Overlay Zone Summary
- 7) Additional Annexation-Related Zoning Amendments
- 8) North Highline Annexation Area – Applied Burien Zoning